

S/N: 09/964,973



PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Burrell, et al.

Serial No.: 09/964,973

Group Art Unit: 2167

Filed: September 27, 2001

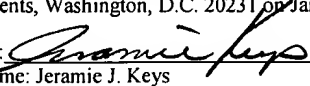
Docket No.: 60027.0050US01

Title: Inventory Record Reconciliation

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Technology Center 2100

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on January 23, 2003.

By: 
Name: Jeramie J. Keys

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

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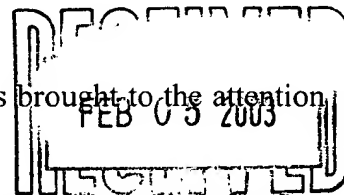
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GROUP 3600

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

With regard to the above-identified application, the discussion below is brought to the attention of the Examiner.



This statement should be considered because it is submitted before the ~~mailing date of a first~~ Office Action on-the-merits. Accordingly, no fee is due for consideration of this discussion. Consideration of this discussion below is respectfully requested.

Applicants would like to bring the following facts to the attention of the Examiner. Trial embodiments of the present invention were utilized in-house at Bellsouth Corporation starting in February of 2000. The trial embodiment was applied to one inventory location out of 27 different locations that Bellsouth had at that time. The trial embodiment was then used at another location later in the year, and then at another and so on as the inventory process as staggered throughout the year for the 27 different locations. During this time, small adjustments were being made to the embodiment of the invention as further thoughts about its operation were developed based on each use at a different location. The invention was, and continues to be used in-house only and under the control of Bellsouth employees who are the inventors. Those involved in these uses are not permitted to disclose the invention outside of the company.

The first trial use at an inventory center sets the starting point for the test procedure for that location as it is not determinable from this initial use whether reconciliation of the inventory has occurred. It is only after the second trial use at a location that a determination can be made as to whether this inventory process embodiment actually performed for its intended purpose, which is to reconcile the inventory records with the actual numbers of units in inventory after having had a year of ordinary inventory operations occur that may introduce errors in the inventory that the reconciliation process is intended to correct.

Per Bellsouth's inventory procedures, the same inventory center has its inventory reconciled annually. Thus, the trial embodiment did not start the round of second trial uses for the inventory locations until February of 2001. It was only at this point that the inventors were able to confirm that the invention had worked for a particular inventory location by reconciling the inventory records for this location with the actual number of units in inventory. It was not until after second trial uses in 2001 for various other locations that it could be fully determined that the invention worked for its intended purpose since every inventory location is under separate management which produces different variables at every location that the invention must address to properly account for the inventory errors.

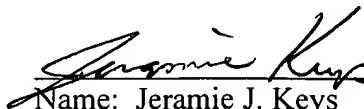
Accordingly, per MPEP 2133.03(e) and the cases cited therein, this use of embodiments of the present invention was experimental well beyond the one year date preceding the filing of this application, as this application was filed on September 27, 2001. Because any use prior to September 27, 2000 was experimental to test whether the invention worked for its intended purpose, this is not a public use under 35 U.S.C. 102(b). Accordingly, Applicants assert that this use is not relevant to the patentability of the claims of this application.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

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Date: January 23, 2003


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